

# ARKANSAS SUPREME COURT

No. CR 06-801

RONALD TRYON  
Appellant

v.

STATE OF ARKANSAS  
Appellee

Opinion Delivered March 22, 2007

PRO SE MOTION FOR COPY OF  
TRANSCRIPT AND BRIEF AT PUBLIC  
EXPENSE AND TO STAY APPEAL  
[CIRCUIT COURT OF SEBASTIAN  
COUNTY, GREENWOOD DISTRICT,  
CR 2004-48-G, HON. NORMAN  
WILKINSON, JUDGE]

MOTION DENIED.

## PER CURIAM

Appellant Ronald Tryon was found guilty by a jury of possession of a controlled substance with intent to deliver, possession of drug paraphernalia, and theft by receiving. He was sentenced as a habitual offender to an aggregate term of life imprisonment. The appeal from the judgment of conviction has been lodged in this court, and both counsel for appellant and the appellee have filed a brief. Now before us is a pro se motion filed by appellant seeking at public expense a copy of the brief filed by his attorney and the transcript lodged on appeal. He also asks that this court stay the appeal so that he may have time to examine the brief and transcript and decide whether to file a pro se supplemental brief.

Appellant's attorney has informed this court by letter on February 7, 2007, that he mailed a copy of the appellant's brief to appellant's wife who requested the brief on his behalf. Under these circumstances, it does not appear that appellant has been denied access to the brief filed by his

attorney.

With respect to appellant's request that the appeal be stayed and a copy of the appeal transcript provided to him so that he may decide whether to file a pro se brief, it is well settled that an appellant is not entitled to enjoy representation by counsel and to also file a pro se brief. *Hamilton v. State*, 348 Ark. 532, 74 S.W.3d 615 (2002); *see, Monts v. Lessenberry*, 305 Ark. 202, 806 S.W.2d 379 (1991) (per curiam). This court will not permit an appellant to compete with his attorney to be heard in an appeal. *Franklin v. State*, 327 Ark. 537, 939 S.W.2d 836 (1997) (per curiam).

It appears that appellant erroneously supposes that the fact that he has been permitted to proceed in forma pauperis on appeal obligates the state to provide him with a copy of the transcript of his trial. Indigency alone, however, does not entitle a petitioner to a free photocopy of the appellate record in a criminal case. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). The only circumstance in which the state is obligated to provide a convicted defendant with a copy of a trial transcript on file with either appellate court is when he or she demonstrates some compelling need for specific documentary evidence to support an allegation contained in a petition for postconviction relief following affirmance of the judgment of conviction. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). When a record on direct appeal is prepared at public expense, it is prepared for the purpose of perfecting the appeal. It is not the property of the appellant; and as such, the appellant has no absolute right to a personal copy of it.

Motion denied.